

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14V-0415EG

IN THE MATTER OF THE PETITION OF PUBLIC SERVICE COMPANY OF COLORADO
FOR A WAIVER OF RULES REGARDING PHASE-IN OF LOW-INCOME ENERGY
ASSISTANCE PROGRAM ADOPTED IN DOCKET NO. 11R-110EG.

**DECISION GRANTING PETITION
FOR WAIVER OF THE LOW INCOME RULES
INVOLVING PHASE III ELIGIBILITY**

Mailed Date: June 16, 2014

Adopted Date: June 11, 2014

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for consideration of a Petition for Waiver and Variance of the Low Income Rules Involving Phase III Eligibility (Petition), filed by Public Service Company of Colorado (PSCo) on May 5, 2014.

2. By Decision No. C12-0691, in Proceeding No. 12A-428EG issued June 27, 2012, the Commission approved PSCo's Pilot Energy Assistance Program for gas customers and its Electric Assistance Program for electric customers.

3. By its Decision, the Commission also recognized that PSCo sought to tie program eligibility in future years to Low Income Energy Assistance Program (LEAP) eligibility and directed PSCo to obtain a waiver from the Phase III eligibility level if the LEAP eligibility level did not change and PSCo wished to continue providing low-income energy assistance at the LEAP Phase II eligibility level.¹ These rules require regulated electric and gas utilities to limit

¹ Decision No. C12-0691, at ¶ 19.

the eligibility of low-income programs to customers that are at or below 185 percent of the federal poverty level for the third and subsequent years of the program. PSCo filed its Petition on May 5, 2014 pursuant to these instructions.

4. PSCo states that the Colorado Department of Human Services (CDHS) has not increased its low-income qualification to 185 percent of the federal poverty level, so obtaining the data on customers qualifying for that threshold would be difficult and expensive. Thus, PSCo renews its request for a waiver of Rules 3412(c)(II)(B) of the Commission's Rules Regulating Electric Utilities, 4 *Code of Colorado Regulations* (CCR) 723-3 and 4412(c)(II)(B) of the Commission's Rules Regulating Gas Utilities and Pipeline Operators 4 CCR 723-4. PSCo seeks approval to remain at Phase II eligibility and serve customers below 150 percent of the federal poverty level for the 2014 to 2015 program years and subsequently until CDHS has information regarding customers having income between 150 and 185 percent of the poverty level. PSCo also seeks approval to remain at the Phase II program cost recovery.

5. No party opposes the Petition. We find good cause to grant the Petition and waive Rules 3412(c)(II)(B) and 4412(c)(II)(B).

II. ORDER

A. The Commission Orders That:

1. The Petition for Waiver of the Low Income Rules Involving Phase III Eligibility, filed by Public Service Company of Colorado on May 5, 2014, is granted, consistent with the discussion above.

2. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration begins on the first day following the effective date of this Decision.

3. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 11, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners